

**DEPARTMENT OF EDUCATION**  
**SPECIAL EDUCATION PROGRAMS**  
**Spearfish School District**  
**Accountability Review – Focus Monitoring Report 2011-2012**

**Team Members:** Joan Ray, Educational Specialist

**Dates of Off Site Data Analysis:** February 21, 2012- March 20, 2012

**Date of Report:** April 5, 2012

**All non-compliance must be corrected within 1 year of this report date. Date Closed: March 20, 2012**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

**Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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## **1. GENERAL SUPERVISION**

### **State Performance Plan - Indicator 16: Complaints**

Percent of signed written complains with reports issues that were resolved within 60-day timeline or a timeline extended for exceptional circumstance with respect to a particular complaint.

#### **Present level:**

A letter was sent to Spearfish School District on May 19, 2010 regarding a complaint which was received by the Office of Educational Services and Support in the South Dakota Department of Education on May 13, 2010. The following violations to the law were listed:

1. Pool therapy as stated on IEP dated 1-22-2010 compensatory services from March-May 25, 2010.
2. Extended school year services.
3. IEP services beginning August 25, 2010.
4. IEP meeting facilitator.

Issues noted above were addressed in a mediation agreement between the district and the parents on May 25, 2010.

#### **Follow-up: Off-site Data Analysis – February 21, 2012**

As a follow up to verify continued compliance of the district's responsibility regarding issues noted above a letter was sent to Spearfish School District on February 21, 2012 requesting data in relation to the mediation agreement on May 25, 2010.

#### **Conclusions:**

Following a review of the data submitted and a follow-up phone conference with the special education director, it has been determined that Spearfish School District has met and continues to meet all requirements of IDEA 2004 addressed in the complaint.

**Corrective Action: None**